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APOTEX INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GENENTECH, INC. and  
ROCHE PALO ALTO LLC,

Plaintiffs,

v.

APOTEX INC.

Defendant.

Case No. 3:11-cv-02410-JSW  
Related Case No. 3:11-cv-01925-JSW

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
IN SUPPORT OF JOINT MOTION FOR  
ADMINISTRATIVE RELIEF PURSUANT TO  
L.R. 7-11 TO AMEND THE CASE  
MANAGEMENT AND MAGISTRATE JUDGE  
REFERRAL ORDER AS AMENDED**

Ctrm: 11, 19th Floor  
Judge: Honorable Jeffrey S. White

All parties through their undersigned counsel, hereby submit this Stipulation and [Proposed] Order consolidating related actions and deferring Defendant's deadlines to respond to the complaints.

### RECITALS

A. On October 28 and 29, 2012, the Eastern seaboard of the United States, including New York City, was severely affected by the high winds and storm surge caused by Hurricane Sandy.

B. The offices of Plaintiffs' counsel, located at One New York Plaza, New York, NY 10004, are in a part of the city that was evacuated on Sunday, October 28, 2012 in view of Hurricane Sandy, were flooded in the storm surge that accompanied that hurricane, and have been inaccessible since that time. The parts of New York City and New Jersey where Plaintiffs' counsel live were likewise without electrical power for a considerable time. Transportation, telephone, cell phone, and email services in those areas were also severely disrupted.

C. The disruptions caused by the immediate effects of Hurricane Sandy and by the flooding and prolonged inaccessibility of One New York Plaza, have significantly impeded and will continue to impede Plaintiffs' ability to meet the existing pretrial deadlines in this litigation.

### THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

The following schedule, which does not change the trial date, will enable the parties to prepare their respective cases notwithstanding the impact of Hurricane Sandy:

EVENT	Revised Date
Close of Fact Discovery	March 1, 2013
Opening Expert Reports served	March 15, 2013
Rebuttal Expert Reports served	April 19, 2013
Close of Expert Discovery	May 24, 2013
Summary Judgment Motions Filed	No later than May 31, 2013
Plaintiffs' Proposed Pretrial Order	June 21, 2013
Defendant's Comments on Proposed Pretrial Order	June 28, 2013
Submission of Joint Pretrial Order to Court	July 12, 2013
Deadline for Motions <i>in Limine</i>	June 21, 2013
Hearing Date for Summary Judgment Motions	July 8, 2013 (subject to the Court's availability)
Due Date for Responses to Motions <i>in Limine</i>	July 3, 2013
Due Date for Reply re. Motions <i>in Limine</i>	July 12, 2013
Pretrial Conference	July 29, 2013 (unchanged)
Trial	August 19-23, 2013 (unchanged)

1 Dated: November 9, 2012

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6 By: /s/ Joshua H. Lerner  
JOSHUA H. LERNER

8 Attorneys for Plaintiffs  
9 GENENTECH, INC. and  
ROCHE PALO ALTO LLC

11 Dated: November 9, 2012

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APOTEX INC.

19 **ATTESTATION**

20 Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Joshua H. Lerner, attest that concurrence  
21 in the filing of this document has been obtained.

22 /s/ Joshua H. Lerner  
JOSHUA H. LERNER

**[PROPOSED] ORDER**

Having considered the Joint Motion for Administrative Relief Pursuant to L.R. 7-11 to Amend the Case Management and Magistrate Judge Referral Order submitted by Genentech, Inc., Roche Palo Alto LLC, and Apotex Inc., and having concluded that there is good cause to grant the requested relief, the motion is hereby **GRANTED**.


**IT IS HEREBY ORDERED** that the Case Management and Magistrate Judge Referral Order herein (ECF No. 71), issued by this Court of August 7, 2012, be amended as follows:

EVENT	Revised Date
Close of Fact Discovery	March 1, 2013
Opening Expert Reports served	March 15, 2013
Rebuttal Expert Reports served	April 19, 2013
Close of Expert Discovery	May 24, 2013
Summary Judgment Motions Filed	No later than May 31, 2013
<del>Plaintiffs' Proposed Pretrial Order</del>	<del>June 21, 2013</del>
<del>Defendant's Comments on Proposed Pretrial Order</del>	<del>June 28, 2013</del>
<del>Submission of Joint Pretrial Order to Court</del>	<del>July 12, 2013</del>
<del>Deadline for Motions in Limine</del>	<del>June 21, 2013</del>
Hearing Date for Summary Judgment Motions	<del>July 8, 2013</del> (subject to the Court's availability) July 12, 2013 at 9:00 a.m.
<del>Due Date for Responses to Motions in Limine</del>	<del>July 3, 2013</del>
<del>Due Date for Reply re. Motions in Limine</del>	<del>July 12, 2013</del>
Pretrial Conference	<del>July 29, 2013 (unchanged)</del>
Trial	<del>August 19-23, 2013 (unchanged)</del>

Pretrial conference continued to October 7, 2013; jury selection set for October 23, 2013; trial continued to October 28, 2013. All pretrial submissions deadlines continued accordingly.

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

DATED: November 13, 2012

  
 HONORABLE JEFFREY S. WHITE  
 UNITED STATES DISTRICT JUDGE  
 NORTHERN DISTRICT